

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ASHU SHUKLA,

Plaintiff,

-v-

APPLE INC., et al.,

Defendants.
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21-CV-3287 (JMF)

MEMORANDUM OPINION
AND ORDER

JESSE M. FURMAN, United States District Judge:

On June 10, 2021, Plaintiff Ashu Shukla, proceeding without counsel, moved to disqualify Magistrate Judge Stewart D. Aaron, claiming that the latter “has repeatedly shown his bias before on [Mr. Shukla’s related] employment lawsuit . . . and because of his past actions Magistrate Judge Aaron has a higher propensity to continue to make biased decisions on this new case.” ECF No. 26, at 2. Mr. Shukla’s motion — which is based solely on Magistrate Judge Aaron’s rulings in *Shukla v. Deloitte Consulting LLP*, No. 19-CV-10578 (AJN) (SDA) (“*Shukla I*”) — is DENIED as patently frivolous. *See, e.g., Williams v. City Univ. of N.Y.*, 633 F. App’x 541, 544 (2d Cir. 2015) (summary order) (“[T]he district court correctly noted that [the plaintiff’s] motion was based solely on his disagreement with the district judge’s prior decisions, which were adverse to him, and that such disagreement is an insufficient basis to warrant recusal.”); *see also Gallop v. Cheney*, 645 F.3d 519, 521 (2d Cir. 2011) (per curiam) (“As the Supreme Court has explained, absent a ‘deep-seated favoritism or antagonism that would make fair judgment impossible,’ rulings are ‘[a]lmost invariably . . . proper grounds for appeal, not for recusal.’” (quoting *Liteky v. United States*, 510 U.S. 540, 555 (1994))).

Indeed, Mr. Shukla's motion is so frivolous as to be sanctionable. Making matters worse, he peppers his papers with insolent references to Court personnel, baselessly accusing "female court clerks" of harboring anti-male bias, ECF No. 24, at 6-7, and snidely describing Magistrate Judge Aaron as "famous and charismatic," ECF No. 25 ¶ 17. Notably, Mr. Shukla was cautioned against engaging in just such conduct only days ago in *Shukla I*. See *Shukla v. Deloitte Consulting LLP*, No. 19-CV-10578 (AJN), 2021 WL 2418841, at *3 (S.D.N.Y. June 14, 2021).

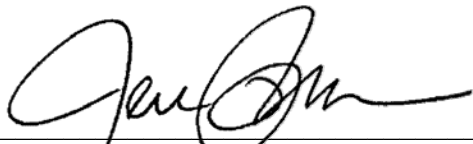
The Court will not impose sanctions on Mr. Shukla at this time given that he has not been previously warned in *this* case about the use of such language or the filing of baseless requests. But Mr. Shukla is warned that future such filings may result in sanctions, up to and including dismissal of his claims. See, e.g., *Wood v. Mut. Redevelopment Houses, Inc.*, No. 14-CV-7535 (AT) (DCF), 2019 WL 11590155, at *3 (S.D.N.Y. Apr. 26, 2019); *Uppal v. W. Express, Inc.*, No. 15-CV-9976 (AT) (RWL), 2019 WL 2450794, at *10 (S.D.N.Y. Feb. 27, 2019), *report and recommendation adopted*, 2019 WL 1434234 (S.D.N.Y. Apr. 1, 2019).

This Court certifies, pursuant to Title 28, United States Code, Section 1915(a)(3), that any appeal from this Memorandum Opinion and Order would not be taken in good faith, and *in forma pauperis* status is thus denied. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to terminate ECF No. 24.

SO ORDERED.

Dated: June 21, 2021
New York, New York



JESSE M. FURMAN
United States District Judge